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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,606	06/27/2001	Manabu Taniguchi	K06-135818M/TBS	8823

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EXAMINER

TAMAI, KARL I

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 01/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/891,606

Applicant(s)

TANIGUCHI ET AL.

Examiner

Tamai IE Karl

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 recites the limitation "said preset time limit". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshima et al. (Oshima)(JP 07-151,146) and Bazarnik (US 4,612,623). Oshima teaches a magnetic bearing with a DSP and counter to shut down the bearings or sound an alarm after a preset time period. It is inherent that Oshima includes a data input device to preset the time period. Oshima does not teach the counted time as the actual work time or a display. Bazarnik teaches equipment can be shut down for maintenance after a preset period of time. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the magnetic bearing of Oshima with the timed shutdown of Bazarnik to increase the working lifetime of the bearings with routine maintenance, and with the displays of Bazarnik to increase the information provided at end of the maintenance period.

7. Claims 2, 4, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshima et al. (Oshima)(JP 07-151,146) and Bazarnik (US 4,612,623), in further view of Nakamura (JP 02-176,218). Oshima and Bazarnik teach every aspect of the invention except the DSP inhibiting the activation of the magnetic bearings. Nakamura teaches that the bearing control circuit include a signal that prevents activation of the bearings in poor condition. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Oshima and Bazarnik with a DSP having activation prevention signal because Nakamura teaches that the magnetic bearings should not be operated in a poor condition.

8. Claims 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshima et al. (Oshima)(JP 07-151,146) and Bazarnik (US 4,612,623), in further view of Yokoe (US 5,309,075). Oshima and Bazarnik teach every aspect of the invention except the DSP having a timer. Yokoe teaches a DSP 14 with a timer for controlling a magnetic motor. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Oshima and Bazarnik with a DSP having a timer to reduce the number of parts in the bearing control, and because Yokoe teaches that DSP are known to have integral timers.

9. Claims 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshima et al. (Oshima)(JP 07-151,146) and Bazarnik (US 4,612,623), in further view of Yamada et al. (Yamada)(US 6,421,630). Oshima and Bazarnik teach every aspect of the invention except a voice output at the start of the maintenance operation. Yamada teaches the displayed alarm can be either a message on a display, an audible alarm or a voice alarm. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Oshima and Bazarnik with voice output at the start of the maintenance operation to warn that the operational time has expired, because it is within the ordinary skill in the art at the time of the invention to choose between known equivalents, where Yamada teaches the equivalence of the display being audible, voice, or visual.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai whose telephone number is (703) 305-7066.

The examiner can be normally contacted on Monday through Friday from 8:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nestor Ramirez, can be reached at (703) 308-1371. The facsimile number for the Group is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Karl I Tamai  
PRIMARY PATENT EXAMINER  
January 20, 2003

  
KARL TAMAI  
PRIMARY EXAMINER